

REMARKS

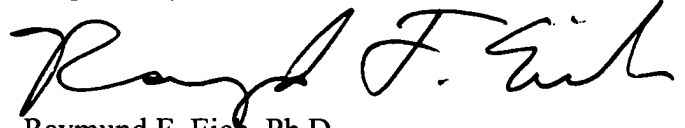
If the Examiner is minded to consider that restriction is proper in this application, Applicants respectfully point to 37 CFR 1.141(a) and MPEP §803.04 to aid the Examiner's decision. Specifically, 37 CFR 1.141(a) indicates that more than one species of an invention may be specifically claimed in different claims of one national application, provided the application includes an allowable generic claim. Applicants respectfully submit that claim 7 (reciting "recombinant yeast") is generic to the particular yeast genera, species, and strains recited by claims 8-10 and the particular recombinant coding regions recited by claim 11.

Further regarding the recombinant coding regions, MPEP §803.04 indicates that, to balance the needs of both the biotechnology industry and the Office, the Commissioner has *sua sponte* decided that up to ten independent and distinct nucleotide sequences may be examined in one application. Implicit in this section is the conclusion that nucleotide sequences that encode different proteins are independent and distinct. Therefore, Applicants respectfully submit that coding regions for ten or fewer different proteins are a reasonable number to be claimed in a single application. The present claims recite coding regions for five different proteins.

Applicants thus respectfully submit that claims to each of the 22 yeast genera recited by, *e.g.*, claim 8 can be retained in a single application. Also, and independently of the claims to the yeast genera, Applicants respectfully submit that claims to each of the five proteins recited by, *e.g.*, claim 11 can be retained in a single application.

Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Assistant Commissioner is authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2027.594096/RFE.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Raymund F. Eich". The signature is fluid and cursive, with the first name "Raymund" being more prominent and the last name "Eich" following in a similar style.

Raymund F. Eich, Ph.D.
Reg. No. 42,508

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